IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.83 OF 2002

1. Oriental Insurance Co.Ltd;
   through its Divisional Office,
   at Gouveia Chambers 3rd Floor,
   Panaji-Goa;

2. Bazilio Fernandes,
   House No.262(2)
   Driver's Hill,
   Vasco-da-Gama,Goa ... APPELLANTS

VERSUS

1. Keegan V. Menezes,
   minor, aged 17 years,

2. Macneal W. Menezes,
   minor, aged 15 years,

3. Lalita P. Menezes,
   minor aged 6 years,

   all minors through guardian
   ad litem, their grandmother
   Violeta Menezes, r/o
   Gaur Apartment, Ground floor,
   Behind Gurudwara, Mangor Hill,
   Vasco-da-Gama, Goa ... RESPONDENTS

Mr. E. Afonso, Advocate for the Appellants.

Mr. Sudesh Usgaonkar, Advocate for the Respondents.

CORAM : F.I. REBELLO,J.

DATED : JULY 17, 2003.

ORAL JUDGMENT

There is an objection raised that the

Tribunal has awarded an amount higher than that was claimed by the Claimants. Considering that this is a Claim Petition, on behalf of the Respondents, the learned Counsel seeks leave to amend the Claim Petition to include the claim of Rs.4,55,316/-. Oral leave granted to amend the Petition. Amendment to be carried out within ten days from today.

2. That objection therefore need not be adverted to.

3. There is no dispute that the correct multiplier has been applied. The only grievance is that her husband has not been made a party. In this Appeal the children who are also dependant, have been made parties. They have been awarded the claim considering their dependency.

4. Considering that there is no other questions the Appeal is disposed of accordingly. Considering that the Appellants are minors, the Registry is directed to initially invest the amount proportionately amongst the three dependants and to permit the guardian to withdraw the interest annually if so applied. In the event the guardian applies for any additional amounts it

will be open to the guardian to make such an application before this Court.

F.I. REBELLO,J.

ac.